

ARTICLE APPEARED  
ON PAGE 8EDITOR & PUBLISHER  
28 September 1985

# Editor & Publisher

THE FOURTH ESTATE

Robert U. Brown, President  
Ferdinand C. Teubner, PublisherJames Wrigley  
Publisher, Chairman of the Board, 1

## FoI update and espionage

The Freedom of Information Act has been under attack in Washington for the last several years and various proposals have been introduced in Congress to rewrite the Act restricting its scope. It is encouraging that a bill to strengthen the FoI Act now has been introduced in the House. The new bill was inspired by the Society of Professional Journalists, Sigma Delta Chi, and was introduced by Rep. Gerald D. Kleczka (D.-Wisc.). If there is to be a debate on FoI, this bill will serve as a counter-balance to those who would emasculate the present law.

Furthermore, it comes at a time when Rep. Glenn English (D.-Okla.), chairman of the House Government Operations Subcommittee on Government Information, has just given most cabinet departments high marks in their compliance with the Act's provisions and their release of documents. "FoIA works and it works well . . . successful in spite of general bureaucratic and political hostility to the principles of disclosure," he said.

On the freedom of information front, outside of the halls of Congress, the Pentagon has discovered it can get along with the press and can have its complete cooperation in matters requiring secrecy for security reasons, but a U.S. District Court judge in Baltimore has allowed the government to operate the most flagrant star chamber procedure in recent history.

The Pentagon's second test of the pool arrangement for covering battlefield operations went off without a hitch, in contrast to the leaks and snafus that accompanied the first trial. Some of the participants state it was not a true test because it did not involve a critical situation, but it did demonstrate that members of the press can keep a secret when the proper prior arrangements are made and the Pentagon doesn't lend itself to screwing it up.

The Baltimore judge hearing evidence in a case involving criminal violation of the espionage laws held a secret hearing on a government motion to seal evidence in the case. Only government prosecutors were present. He approved the request and issued an order to that effect also directing that his order itself be kept secret. His order became known inadvertently when defense lawyers discovered among court papers a copy of the prosecutor's motion for secrecy and distributed copies to reporters. The court then said that even the government's motion was supposed to be secret and tried to retrieve the copies in distribution.

Continued